

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

In the Matter of the Seizure of Property From: _____)
_____)
_____)

**Motion for Return Or Restoration
of Seized Property**

(name of person or premises or both from whom or where the property was seized)

Comes now _____ (Movant), under the authority of ORS 133.633 (1) (a) or
(Printed Name of the individual seeking the return of restoration of the property)

(b), as:

- (a) An individual from whose person, property or premises things have been seized, OR, as
 (b) Any other person asserting a claim to rightful possession of the things seized.

Based on the statements set out below, I request the return or restoration of seized property from the agency holding it.

The property requested to be returned to the Movant was seized on _____ (date) by:

Officer Name and No. _____ Officer's Agency _____

Evidence Receipt Nos. Provided at Seizure: _____

Officer Agency Report Numbers. _____

District Attorney Case No. _____ Court Case No. _____

The property seized consisted of the items listed here:

The seized property is now in the possession of (name the agency holding the property): _____

I am entitled to the return of the seized property because of the following:

- The property was seized from my person, property or premises by the above agency.
 I am the owner of the seized property (attach documents supporting your ownership of the property, if any).
 I am the legal custodian of the seized property (attach copies of documents showing basis for legal custodianship).
 I hold a lien interest in the seized property recognized under law (attach copies of documents showing basis for lien).
 Other basis: _____

(Attached additional documentation or explanation to support your claim to the property).

I certify under penalty of law that the above statements regarding my right to possession of the seized property are true.

Signed this ____ Day of _____, 20 ____.

Signature

After filing this motion, you must call 503-988-3235 and request this motion be set for hearing. Wait 3 days for the motion to be entered into the court's computer system before calling.

A true copy of this document must be served on the District Attorney by mailing it to Room 600, Multnomah County Courthouse, Portland Oregon 97204.

Motion for Return or Restoration of Seized Property under ORS 133.633

ORS 133.633 Motion for return or restoration of things seized. (1) Within 90 days after actual notice of any seizure, or at such later date as the court in its discretion may allow:

(a) An individual from whose person, property or premises things have been seized may move the appropriate court to return things seized to the person or premises from which they were seized.

(b) Any other person asserting a claim to rightful possession of the things seized may move the appropriate court to restore the things seized to the movant.

(2) The appropriate court to consider such motion is:

(a) The court having ultimate trial jurisdiction over any crime charged in connection with the seizure;

(b) If no crime is charged in connection with the seizure, the court to which the warrant was returned; or

(c) If the seizure was not made under a warrant and no crime is charged in connection with the seizure, any court having authority to issue search warrants in the county in which the seizure was made.

(3) The movant shall serve a copy of the motion upon the district attorney or the city attorney, whichever is appropriate, of the jurisdiction in which the property is in custody.

(4) No filing, appearance or hearing fees may be charged for filing or hearing a motion under this section. [1973 c.836 §110; 1999 c.37 §1; 2005 c.22 §102]

General Instructions To Complete the Motion and on the Process

1. In the title of the motion, enter the name of the person from which the property was seized. If you were not the person, don't enter your name. The name of the person, and the location if relevant (such as a street address where a search warrant was served) will help to locate property and to determine whether it may be returned.

2. You are the "movant. You have filed this motion (moving the court) to grant your request for the return or restoration of the property seized.

3. Provide as much information as possible about the date of seizure and seizing officer and agency.

4. Provide a general physical description of the items; you should group like items. If the seizure involved currency state a total amount seized.

5. Select the most accurate statement of the legal basis on which you are basing your motion for the return or restoration of the seized property to you. Attach additional pages and documentation if necessary.

6. Sign the motion and deliver it to The Circuit Court, Room 106, window #1. There is no filing fee for this hearing. You will be given a Circuit Court case number at that time.

7. Serve a copy of the motion on the District Attorney, Room 600, with the Circuit Court Case number on it. This step is required by law; it must be completed. Keep a copy of the motion for your records.

8. After three days, call the Calendaring Section at 503-988-3235 and request the motion to be set for hearing. A date will be set and you will be notified by mail of the hearing date and time. At the time you request a hearing you will have to provide the court staff with a mailing address for your notice of the date and time of hearing. The motion will not be set for hearing unless you call and request it to be set.

The hearing time will be set out far enough for the District Attorney to review the status of any cases arising from the seizure of property.